

EXHIBIT

THE STATE OF OHIO
COMMON PLEAS COURT OF SHELBY COUNTY

FILED
COMMON PLEAS COURT
07 JAN 26 PM 3:46

MICHELE K. MUMFORD
SHELBY COUNTY CLERK

ALCOA INC.
201 Isabella Street
Pittsburgh, PA 15212

ALCOA ENERGY SERVICES, INC.
201 Isabella Street
Pittsburgh, PA 15212

Plaintiffs

vs.

DELTA (SPRINGBOK) FRANCE, S.A., f/k/a)
SOURDILLON S.A.
B.P. 10
37250 Veigne, France

DELTA U.S. (SPRINGBOK), LLC, f/k/a
SOURDILLON LLC
529 Rollins Industrial Boulevard
Ringgold, GA 30736

SOURDILLON AIR INDEX
529 Rollins Industrial Boulevard
Ringgold, GA 30736

SOURDILLON INC.
529 Rollins Industrial Boulevard
Ringgold, GA 30736

BURNER SYSTEMS INTERNATIONAL
3600 Cummings Road
Chattanooga, TN 37419

JOHN DOE NO. 1

JOHN DOE NO. 2

Defendants.

Case No.

07CV000042

COMPLAINT FOR MONEY
DAMAGES; JURY DEMAND
ENDORSED HEREON

1-FF + A copy
at window 1/26/11
1-CT

COMPLAINT

Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc., successor-in-interest to Norcold, Inc., formerly d/b/a Norcold (hereinafter collectively referred to as “Plaintiffs”), by and through its undersigned attorneys, hereby files this Complaint against Delta (Springbok) France, S.A., f/k/a Sourdillon S.A., Delta U.S. (Springbok), LLC, f/k/a Sourdillon LLC, Sourdillon Air Index, Sourdillon Inc., Burner Systems International, John Doe No. 1 and John Doe No. 2 (hereinafter collectively referred to as “Defendants”).

INTRODUCTION

1. Plaintiffs, through its predecessors-in-interest, were formerly involved with the manufacture of refrigerators used in the marine and recreational vehicle industry. Plaintiffs purchased certain quantities of valves manufactured by Defendants and/or their predecessor-in-interest for inclusion into a number of its refrigerators. The valves supplied to Plaintiffs by Defendants and/or their predecessor-in-interest between 1987 and 1995 were determined to be defective by the corporation currently known as Norcold, Inc., which purchased certain of the assets of Plaintiffs’ refrigerator manufacturing operations in 1997 and is unrelated to Plaintiffs, and Plaintiffs and, as a consequence, a recall of the refrigerators was initiated. This Complaint seeks to reduce to judgment the losses Plaintiffs have incurred and are continuing to incur due to the defective valves supplied by Defendants and/or their predecessor-in-interest and Defendants’ breach of a valid agreement to indemnify Plaintiffs against such losses.

PARTIES, JURISDICTION AND VENUE

2. Alcoa Inc. is a corporation organized and existing under the laws of the state of Pennsylvania with its principal place of business in Pittsburgh, Pennsylvania. Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc., successor-in-interest to Norcold, Inc., formerly d/b/a Norcold is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Pittsburgh, Pennsylvania.

3. Upon information and belief, Delta France, S.A., f/k/a Sourdillon S.A., is a foreign corporation.

4. Upon information and belief, Delta U.S. (Springbok), LLC, f/k/a Sourdillon LLC is a foreign limited liability company.

5. Upon information and belief, Sourdillon Air Index is a foreign corporation.

6. Upon information and belief, Sourdillon S.A. is a foreign corporation.

7. Upon information and belief, Sourdillon, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Ringgold, Georgia.

8. Plaintiffs are currently unaware of the true name and capacity, whether individual, corporate, associate or otherwise, of Defendant sued herein as “John Doe No. 1,” and therefore sue Defendant by such fictitious name. Plaintiffs believe that the identity of Defendant sued herein as “John Doe No. 1” can be ascertained through formal means of discovery. Plaintiffs will seek leave of this Court to amend their Complaint to allege the true name and capacity of the fictitiously named “John Doe No. 1” when its identity has been ascertained through discovery in this action. Plaintiffs are informed and believe, and on that basis allege, that the fictitiously named Defendant was involved in the activity that forms the basis of this

action and is liable to Plaintiffs for the acts and omissions herein alleged. Plaintiffs are informed and believe and thereon allege that the fictitiously named Defendant is responsible in some manner for the occurrences herein alleged, and that such Defendant proximately caused Plaintiffs' damages.

9. Plaintiffs are currently unaware of the true name and capacity, whether individual, corporate, associate or otherwise, of Defendant sued herein as "John Doe No. 2," and therefore sue Defendant by such fictitious name. Plaintiffs believe that the identity of Defendant sued herein as "John Doe No. 2" can be ascertained through formal means of discovery. Plaintiffs will seek leave of this Court to amend their Complaint to allege the true name and capacity of the fictitiously named "John Doe No. 2" when its identity has been ascertained through discovery in this action. Plaintiffs are informed and believes, and on that basis alleges, that the fictitiously named Defendant was involved in the activity that forms the basis of this action and is liable to Plaintiffs for the acts and omissions herein alleged. Plaintiffs are informed and believe and thereon allege that the fictitiously named Defendant is responsible in some manner for the occurrences herein alleged, and that Plaintiffs' damages were proximately caused by such Defendant.

10. Personal jurisdiction over Defendants may be asserted by this Court, because Defendants and/or their predecessor-in-interest have undertaken one or more of the several acts enumerated in the Ohio long-arm statute, ORC Ann. 2307.382. In particular, Defendants and/or their predecessor-in-interest contracted with Plaintiffs to supply goods in the State of Ohio. Plaintiffs' cause of action against Defendants arises from Defendants' and/or their predecessor-in-interest's contracting to supply goods in the State of Ohio.

11. Venue is proper in this Court pursuant to Ohio Civ. R. 3(B)(6), because the product was supplied to Plaintiffs within Shelby County and the product utilizing said valves

was manufactured within Shelby County, and thus all or part of the claim for relief arose within Shelby County.

ALLEGATIONS

12. Plaintiffs were engaged in the manufacture and sale of refrigerators used in the marine and recreational vehicle industry. The refrigerators that are the subject of the recall at issue in this suit all contain valves supplied by Defendants and/or their predecessor-in-interest.

13. Defendants and/or their predecessor-in-interest, a merchant, engaged in the manufacture and sale of critical gas train components including, valves and gas burners. Plaintiffs purchased valves (“the Valves”) from Defendants and/or their predecessor-in-interest for inclusion in its refrigerator models 442, 443, EV452, 453, EV462, 482, 874 and 875 from approximately January 1987 through approximately May 1995.

14. For each year Plaintiffs purchased the Valves from Defendants and/or their predecessor-in-interest, Plaintiffs transmitted to Defendants and/or their predecessor-in-interest a Purchase Order.

15. On information and belief, each Purchase Order for the years 1987 through 1995 contained the following provision:

1. ACCEPTANCE/AGREEMENT. SELLER’S COMMENCEMENT OF WORK ON THE GOODS SUBJECT TO THIS PURCHASE ORDER OR SHIPMENT OF SUCH GOODS, WHICHEVER OCCURS FIRST, SHALL BE DEEMED AN EFFECTIVE MODE OF ACCEPTANCE OF THIS PURCHASE ORDER. ANY ACCEPTANCE OF THIS PURCHASE ORDER IS LIMITED TO ACCEPTANCE OF THE EXPRESS TERMS CONTAINED ON THE FRONT AND BACK HEREOF. ANY PROPOSAL FOR ADDITIONAL OR DIFFERENT TERMS OR ANY ATTEMPT BY SELLER TO VARY IN ANY DEGREE ANY OF THE TERMS OF THIS OFFER IN SELLER’S ACCEPTANCE IS HEREBY OBJECTED TO AND REJECTED, BUT SUCH PROPOSALS SHALL NOT OPERATE AS A REJECTION OF THIS OFFER UNLESS SUCH VARIANCES ARE IN THE TERMS OF THE

DESCRIPTION, QUANTITY, PRICE OR DELIVERY SCHEDULE OF THE GOODS, BUT SHALL BE DEEMED A MATERIAL ALTERATION THEREOF AND THIS OFFER SHALL BE DEEMED ACCEPTED BY SELLER WITHOUT SAID ADDITIONAL OR DIFFERENT TERMS. IF THIS PURCHASE ORDER SHALL BE DEEMED AN ACCEPTANCE OF A PRIOR OFFER BY SELLER SUCH ACCEPTANCE IS LIMITED TO THE EXPRESS TERMS CONTAINED ON THE FACE AND ON THE BACK HEREOF. ADDITIONAL OR DIFFERENT TERMS OR ANY ATTEMPT BY SELLER TO VARY IN ANY DEGREE ANY OF THE TERMS OF THIS PURCHASE ORDER SHALL BE DEEMED MATERIAL AND ARE OBJECTED TO AND REJECTED, BUT THIS PURCHASE ORDER SHALL NOT OPERATE AS A REJECTION OF THE SELLER'S OFFER UNLESS IT CONTAINS VARIANCES IN THE TERMS OF THE DESCRIPTION, QUANTITY, PRICE OR DELIVERY SCHEDULE OF THE GOODS.

16. Each shipment of the Valves by Defendants and/or their predecessor-in-interest to Plaintiffs was governed by the terms contained in the Purchase Order issued by Plaintiffs for the year in which that shipment was made.

17. Each instance of performance by Defendants and/or their predecessor-in-interest in shipping the Valves constituted acceptance of Plaintiffs' offer contained in the Purchase Order for the relevant year from 1987 through 1995 and formed a binding agreement between Plaintiffs and Defendants and/or their predecessor-in-interest governing the rights and obligations of Plaintiffs and Defendants and/or their predecessor-in-interest *vis-à-vis* Plaintiffs' purchase of the Valves from Defendants and/or their predecessor-in-interest ("Valve Purchase Agreements"). The Valve Purchase Agreements were limited to the terms offered by Plaintiffs in the Purchase Orders, and the Valve Purchase Agreements contained all terms offered by Plaintiffs in the Purchase Orders.

18. On information and belief, each and every Valve Purchase Agreement contained the following provision ("Indemnification Provision"):

14. INDEMNIFICATION. SELLER SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS PURCHASE AGAINST ALL DAMAGES, CLAIMS OR LIABILITIES AND EXPENSES (INCLUDING ATTORNEY'S FEES) ARISING OUT OF OR RESULTING IN ANY WAY FROM ANY DEFECT IN THE GOODS OR SERVICES PURCHASED HEREUNDER, OR FROM ANY ACT OR OMISSION OF THE SELLER, ITS AGENTS, EMPLOYEES OR SUBCONTRACTORS. THIS INDEMNIFICATION SHALL BE IN ADDITION TO THE WARRANTY OBLIGATIONS OF SELLER.

19. On information and belief, each and every Valve Purchase Agreement contained the following provision ("Governing Law Provision"):

26. GOVERNING LAW. ALL QUESTIONS CONCERNING THE INTENTION, VALIDITY AND MEANING OF THIS AGREEMENT OR RELATING TO THE RIGHTS AND OBLIGATIONS OF THE PARTIES WITH RESPECT TO PERFORMANCE HEREUNDER SHALL BE CONSTRUED AND RESOLVED UNDER THE LAWS OF THE STATE OF OHIO, EXCLUDING HOWEVER, RULES RELATING TO CHOICE OR CONFLICTS OF LAW.

20. Plaintiffs sold their assets to the Thetford Corporation ("Thetford") pursuant to the Agreement of Purchase and Sale ("Norcold Sale Agreement") in 1997.

21. Subsequent to the execution of the Norcold Sale Agreement, in 1997 Thetford began operating under the name "Norcold, Inc." ("Norcold").

22. Pursuant to the Norcold Sale Agreement, liability for any defect in a product manufactured by Plaintiffs prior to the execution of the Norcold Sale Agreement was an excluded liability and was retained by Plaintiffs.

23. Pursuant to the Norcold Sale Agreement, Plaintiffs are legally obligated to reimburse any costs or expenses incurred by Norcold relating to a recall by Norcold of a product manufactured by Plaintiffs stemming from a defect in the product.

24. Pursuant to the Norcold Sale Agreement, Plaintiffs retained all rights and remedies relating to excluded liabilities, including the right to seek indemnification against loss

from Defendants and/or their predecessor-in-interest pursuant to the Indemnification Provisions contained in the Valve Purchase Agreements.

25. In 2001, Norcold notified Plaintiffs of a defect in the Valves purchased from and manufactured by Defendants and/or their predecessor-in-interest that were contained in refrigerators manufactured by Plaintiffs.

26. On information and belief, in 2002 Plaintiffs notified Defendants and/or their predecessor-in-interest of the defect in the Valves purchased from and manufactured by Defendants and/or their predecessor-in-interest and concurrently gave Defendants and/or their predecessor-in-interest proper and timely notice of Plaintiffs' intent to seek indemnification from Defendants and/or their predecessor-in-interest against any loss to Plaintiffs arising out of or resulting from defects in the Valves.

27. On information and belief, in 2002 Norcold began a recall of the refrigerators manufactured by Plaintiffs containing the Valves purchased from and manufactured by Defendants and/or their predecessor-in-interest ("the Recall").

28. The Recall was necessitated by the defects in the Valves manufactured by Defendants and/or their predecessor-in-interest that were sold to Plaintiffs pursuant to the Valve Purchase Agreements.

29. Pursuant to the Norcold Sale Agreement, Plaintiffs were and are legally obligated to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall.

30. Beginning less than four years from the date of the filing of this action and continuing through the date of the filing of this action, Alcoa has made multiple payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall. Because this action was commenced less than four years after Plaintiffs first suffered a loss, this action is not time-barred by the applicable statute of limitations.

31. Each of Plaintiffs' payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall constitute a separate and discrete loss to Alcoa arising from and caused by defects in the valves manufactured by Defendants and/or their predecessor-in-interest that were sold to Plaintiffs pursuant to the Valve Purchase Agreements.

32. The amount of Alcoa's payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall are fair and reasonable.

33. Pursuant to the terms of the Valve Purchase Agreements, Defendants, as parties to the Valve Purchase Agreements and/or successors-in-liability to a party to the Valve Purchase Agreements, are obligated to indemnify Plaintiffs against loss arising from defects in the Valves manufactured by Defendants and/or their predecessor-in-interest that were sold to Plaintiffs pursuant to the Valve Purchase Agreements.

34. Defendants are contractually obligated to indemnify Plaintiffs against loss arising from defects in the valves manufactured by Defendants and/or their predecessor-in-interest that were sold to Plaintiffs pursuant to the Valve Purchase Agreements.

35. Plaintiffs have provided proper notice to Defendants of their obligation to indemnify Plaintiffs against Plaintiffs' losses defects in the valves manufactured by Defendants and/or their predecessor-in-interest that were sold to Plaintiffs pursuant to the Valve Purchase Agreement.

36. Despite their obligations under the Valve Purchase Agreements, Defendants have refused to indemnify Plaintiffs against Plaintiffs' losses arising from defects in the valves manufactured by Defendants and/or their predecessor-in-interest that were sold to Alcoa Energy and/or its predecessor-in-interest pursuant to the Valve Purchase Agreements.

37. Defendants have breached and continue to breach the Indemnification Provisions contained in the Valve Purchase Agreements.

38. Defendants' past and continuing breaches of the Indemnification Provisions contained in the Valve Purchase Agreements have caused Alcoa to suffer monetary damages.

COUNT FOR INDEMNIFICATION

39. Plaintiffs hereby incorporate paragraphs 1 through 38 as if stated fully herein.

40. Plaintiffs and Defendants and/or their predecessor-in-interest executed several valid Valve Purchase Agreements between 1987 and 1995.

41. Each Valve Purchase Agreement contained a valid Indemnification Provision, pursuant to which Defendants and/or their predecessor-in-interest are obligated to indemnify Plaintiffs against loss relating to or arising from a defect in the Valves sold by Defendants and/or their predecessor-in-interest to Plaintiffs under the Valve Purchase Agreement.

42. Defects in the Valves sold by Defendants and/or their predecessor-in-interest to Plaintiffs under the Valve Purchase Agreement caused Norcold to recall the refrigerators manufactured by Plaintiffs containing the Valves.

43. Plaintiffs were and are legally obligated to reimburse Norcold for Norcold's costs and expenses relating to or arising from the Recall.

44. Plaintiffs provided proper notice to Defendants and/or their predecessor-in-interest of Plaintiffs' intent to seek from Defendants and/or their predecessor-in-interest indemnification against the loss to Plaintiffs associated with its reimbursement of Norcold for Norcold's costs and expenses relating to or arising from the Recall, which was caused by defects in the Valves sold by Defendants and/or their predecessor-in-interest to Plaintiffs under the Valve Purchase Agreement.

45. Plaintiffs have, within four years of the date of the commencement of this action, suffered several losses, in the amounts of its payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall, due to defects in the Valves

sold by Defendants and/or their predecessor-in-interest to Plaintiffs under the Valve Purchase Agreement.

46. The amount of Plaintiffs' payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall are fair and reasonable.

47. Defendants were parties to the Valve Purchase Agreements and thus liable to Plaintiffs for indemnification against loss, or have assumed such liability from their predecessor-in-interest.

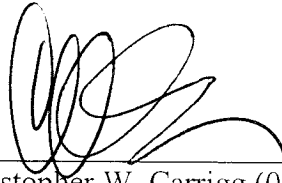
48. Pursuant to the Indemnification Provisions contained in the Valve Purchase Agreements, Defendants are legally obligated to indemnify Plaintiffs against Plaintiffs' losses, in the amounts of its payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall, due to defects in the Valves sold by Defendants and/or their predecessor-in-interest to Plaintiffs under the Valve Purchase Agreement.

49. Defendants have refused to indemnify Plaintiffs against Plaintiffs' losses, in the amounts of its payments to Norcold to reimburse Norcold for Norcold's costs and expenses arising from and related to the Recall, due to defects in the Valves sold by Defendants and/or their predecessor-in-interest to Plaintiffs under the Valve Purchase Agreement.

50. Defendants have breached the Indemnification Provisions contained in the Valve Purchase Agreements, causing damage to Plaintiffs.

WHEREFORE, Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc. pray for judgment in favor of Alcoa Inc. and Alcoa Energy Services, Inc. and against Defendants for damages in an

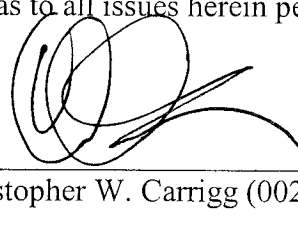
amount in excess of \$25,000.00, plus its costs incurred herein, and for such other and further relief as this Court deems just and proper.



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(937) 222-2424
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ccarrigg@ffalaw.com
Attorney for Plaintiffs

JURY DEMAND

Defendants demand a trial by jury as to all issues herein pending.



Christopher W. Carrigg (0023947)

FILED
COMMON PLEAS COURT
07 JAN 26 PM 3:46
MICHELE M. ANNECRD
SHELBY COUNTY CLERK

THE STATE OF OHIO
COMMON PLEAS COURT OF SHELBY COUNTY

ALCOA, INC., et al.

Plaintiffs

vs.

DELTA (SPRINGBOK) FRANCE, S.A.,
f/k/a SOURDILLON S.A., et al.


Defendants

CASE NO.

07CV000042

INSTRUCTIONS TO THE CLERK

It will not be necessary to serve the summons and complaint at this time.



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ccarrigg@ffalaw.com
Attorney for Plaintiffs

FREUND, FREEZE & ARNOLD

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Dayton, OH 45402-2017
tel (937) 222-2424
fax (937) 222-5369

FILED
COMMON PLEAS COURT
07 JAN 30 PM 2:01

MICHELE A. HILMFOORD
SHELBY COUNTY CLERK

fax

 t r a n s m i t t a l

to:	Shelby County Clerk of Courts Attn: Mary Lou
fax #:	(937) 498-4840
phone #:	
from:	Christopher W. Carrigg
date:	January 30, 2007
re:	07CV000042 Alcoa v. Delta
pages:	5, including cover sheet

NOTES: If you did not receive one or more pages of this fax, please contact:

Marika

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PLEASE FILE. THANK YOU.

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07 JAN 30 PM 2:01
MICHELLE A. MONFORD
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., et al.	:	CASE NO. 07CV000042
Plaintiffs	:	(Judge Stevenson)
vs.	:	
DELTA (SPRINGBOK) FRANCE, S.A.,	:	<u>MOTION OF PLAINTIFFS ALCOA</u>
f/k/a SOURDILLON S.A., et al.	:	<u>INC. AND ALCOA ENERGY</u>
Defendants	:	<u>SERVICES, INC. TO POSTPONE</u>
	:	<u>SERVICE OF THE SUMMONS</u>
	:	<u>AND COMPLAINT</u>

Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc., successor-in-interest to Norcold, Inc., formerly d b/a Norcold (hereinafter collectively referred to as "Plaintiffs"), by and through its undersigned attorneys, hereby file this Motion to Postpone Service and state as follows:

1. On Friday, January 26, 2007, Plaintiffs filed the instant action in this Court seeking recovery from five named defendants and two John Doe defendants for damages stemming from a defect in valves manufactured by the defendants and/or their predecessor in interest.
2. Plaintiffs filed the instant action on January 26, 2007 in order to ensure that their claims would not be time-barred by the applicable statute of limitations.

3. Plaintiffs have a good-faith basis for all claims stated in the instant action. However, as demonstrated by the inclusion of John Doe defendants, Plaintiffs are still making diligent efforts to determine the exact identity of all responsible parties and ask for the Court's indulgence while Plaintiffs' investigation continues.

4. While Plaintiffs have commenced the action, they wish to postpone service on the defendants for a reasonable period of time in order that Plaintiffs may have an opportunity to determine the exact identity of all responsible parties.

5. Pursuant to Ohio Rules of Civil Procedure 4(E), 4.3 and 4.5, a plaintiff is allowed at least six months to serve a defendant after commencement of a civil action:

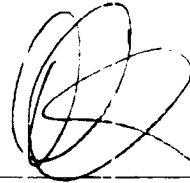
If a service of the summons and complaint is not made upon a defendant within six months after the filing of the complaint and the party on whose behalf such service was required cannot show good cause why such service was not made within that period, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion. This division shall not apply to out-of-state service pursuant to Rule 4.3 or to service in a foreign country pursuant to Rule 4.5.

6. This Court should permit Plaintiffs the time prescribed by the Ohio Rules of Civil Procedure to serve their Complaint on the defendants.

7. A proposed Order granting Plaintiffs a 90 day postponement is submitted herewith.

WHEREFORE, Plaintiffs move this Court to enter an order postponing service of the Complaint in the instant action on defendants for ninety days from the date of entry of such order,

at which time Plaintiffs will provide instructions to the Clerk of the Court regarding method of service.



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Attorney for Plaintiffs

FILED
COMMON PLEAS COURT
07 JAN 31 AM 11:10

MICHAEL J. HIGHTON
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., et al.

Plaintiffs

vs.

DELTA (SPRINGBOK) FRANCE, S.A.,
f/k/a SOURDILLON S.A., et al.


Defendants

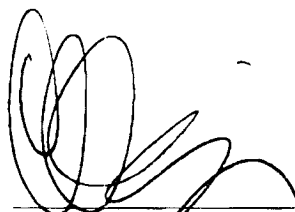
CASE NO. 07CV000042
(Judge Stevenson)

**ORDER GRANTING PLAINTIFFS 90
DAYS TO SUBMIT INSTRUCTIONS
TO CLERK FOR SERVICE OF
SUMMONS AND COMPLAINT**

Upon motion of plaintiffs, and for good cause demonstrated, the Court is of the opinion that Plaintiffs' Motion to Postpone Service should be granted. It is, therefore.

ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to Postpone Service filed here is hereby granted, and that the plaintiffs shall provide the Clerk of Courts instructions for service of the summons and complaint no later than 90 days from the date of this Order.


JUDGE JAMES F. STEVENSON


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Attorney for Plaintiffs

**HUNTON
WILLIAMS**

FILED
07 MAY -9 AM 9:53
SHELBY COUNTY CLERK

HUNTON & WILLIAMS LLP
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA 23219-4074

TEL 804 • 788 • 8200
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THOMAS R. WASKOM
DIRECT DIAL: 804-788-8403
EMAIL: twaskom@hunton.com

FILE NO: 68894.96

May 4, 2007

Michele Mumford
Shelby County Clerk of Courts
Shelby County Courthouse
P.O. Box 809
Sidney, OH 45365

***Alcoa Inc. and Alcoa Energy Services, Inc. v.
Delta (Springbok) France, S.A. f/k/a Sourdillon S.A., et al.***
Case No. 07CV000042, Common Pleas Court of Shelby County, Ohio

Dear Ms. Mumford,

You have asked us to provide instructions for service in the above-referenced matter. The addresses at which the defendants may be served are listed on the first page of the Complaint.

I appreciate your attention to this matter, and please contact me should you have any questions.

Called - Talked to T. Waskom 5/10/07
On 5/10/07 - asked us to
hold on to Complaint w/for
service and I told him that
we do not do that - the Court
gave him 90 days to tell us
how he'd wanted us to make
service. I told him I'd do some
checking in the C.R.C. because I
can't hold on to it indefinitely.

5/11/07
Called Mr. Waskom again
After talking w/ Lori - She
said to tell him he needs
to send in a Motion to
hold this case open longer.

THE STATE OF OHIO
COMMON PLEAS COURT OF SHELBY COUNTY

FILED
COMMON PLEAS COURT
07 JAN 26 PM 3:47
MICHELLE M. JAMES
SHELBY COUNTY CLERK

FILED
COMMON PLEAS COURT
07 MAY -9 AM 9:54
SHELBY COUNTY CLERK

ALCOA INC.
201 Isabella Street
Pittsburgh, PA 15212

ALCOA ENERGY SERVICES, INC.
201 Isabella Street
Pittsburgh, PA 15212

Case No. 07CV000042

Plaintiffs

vs.

COMPLAINT FOR MONEY
DAMAGES; JURY DEMAND
ENDORSED HEREON

DELTA (SPRINGBOK) FRANCE, S.A., f/k/a
SOURDILLON S.A.
B.P. 10
37250 Veigne, France

DELTA U.S. (SPRINGBOK), LLC, f/k/a
SOURDILLON I, LC
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SOURDILLON AIR INDEX
529 Rollins Industrial Boulevard
Ringgold, GA 30736

SOURDILLON INC.
529 Rollins Industrial Boulevard
Ringgold, GA 30736

BURNER SYSTEMS INTERNATIONAL
3600 Cummings Road
Chattanooga, TN 37419

JOHN DOE NO. 1

JOHN DOE NO. 2

Defendants.

07/30/07 8:30

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO

ALCOA, INC., et al	*	CASE NO. 07CV000042
Plaintiffs,	*	
vs.	*	
DELTA (SPRINGBOK) FRANCE, S.A.	*	ENTRY
Fka SOURDILLON S.A., et al	*	
Defendants.		

* * * * *

Upon a review of the above-captioned file, the Court finds that on January 31, 2007, Plaintiff requested and was given an Order providing that Plaintiff shall give to the Clerk of Courts instructions for service of summons and complaint no later than 90 days from the date of the Order of January 31, 2007.

The Court finds that more than ninety (90) days have elapsed and Plaintiff has failed to instruct the Clerk of Courts on service of summons and complaint as provided for in the January 31, 2007 Order. Accordingly, Plaintiff is ORDERED to proceed with the prosecution of their Complaint within fourteen (14) days of the issuance of this Order. Failure to do so may result in the case being administratively dismissed.

The Clerk of this Court is directed to deliver copies of this Entry to the attorneys of record and to any parties not represented by an attorney.

Hon. James F. Stevenson, Judge

Doc 1



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Dartmouth Office

FILED
COMMON PLEAS COURT
07 MAY 17 AM 10:36
SHELBY COUNTY CLERK

May 16, 2007

Clerk of Courts
Shelby County Common Pleas Court
100 E. Court Street
P. O. Box 809
Sidney, OH 45365-0809

RE: *Alcoa Inc., et al. v. Delta (Springbok) France, S.A., et al.*
Case No. 07-CV-000042

Dear Clerk of Courts:

Enclosed, please find the original and two copies of *Motion to Postpone Service*, for filing in connection with the above-referenced case.

Also enclosed is a proposed *Order Granting Plaintiffs' Motion to Postpone Service of Summons and Complaint*, for presentation to Judge Stevenson, together with a copy of the motion, for approval and filing. You may return time-stamped copy of each to the undersigned in the envelope enclosed for your convenience. Thank you.

Sincerely,

FREUND, FREEZE & ARNOLD

A handwritten signature in black ink that reads "Jamey T. Pregon". The signature is fluid and cursive, with the first name "Jamey" and last name "Pregon" clearly legible.

Jamey T. Pregon

JTP/cjs
Enclosures

07 MAY 2007 2:37

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., et al.

Plaintiffs

vs.

DELTA (SPRINGBOK) FRANCE, S.A.,
f/k/a SOURDILLON S.A., et al.

Defendants

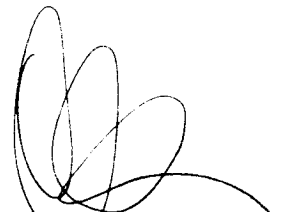
CASE NO. 07CV000042
(Judge Stevenson)

ORDER GRANTING PLAINTIFFS'
MOTION TO POSTPONE SERVICE
OF SUMMONS AND COMPLAINT

Upon motion of plaintiffs, and for good cause demonstrated, the Court is of the opinion that Plaintiffs' Motion to Postpone Service should be granted.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to Postpone Service is SUSTAINED, and that the plaintiffs shall provide the Clerk of Courts instructions for service of the summons and complaint by no later than July 26, 2007.


JUDGE JAMES F. STEVENSON


Christopher W. Carrigg (0023947)
FREUND, FREEZE & ARNOLD
One Dayton Centre
1 South Main Street, Suite 1800
Dayton, OH 45402-2017
(937) 222-2424
(937) 222-5369 (fax)
ccarrigg@ffalaw.com
Attorney for Plaintiffs

FILED
COMMON PLEAS COURT
07 MAY 17 AM 10:36
SHELBY COUNTY CLERK

IN THE COURT OF COMMON PLEAS OF SHELBY COUNTY, OHIO

ALCOA INC. AND ALCOA ENERGY
SERVICES, INC.,

Plaintiffs,

vs.

DELTA (SPRINGBOK) FRANCE, S.A.,
et al.,

Defendants.

Case No. 07-CV-000042

MOTION TO POSTPONE SERVICE

Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc., successor-in-interest to Norcold, Inc., formerly d/b/a Norcold (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned attorneys, hereby file this Motion to Postpone Service and state as follows:

1. On Friday, January 26, 2007, Plaintiffs filed the instant action in this Court seeking recovery from five named defendants and two John Doe defendants for damages stemming from a defect in valves manufactured by the defendants and/or their predecessor in interest.

Sanit
Carigg
5/21/07gc

2. Plaintiffs filed the instant action on January 26 in order to ensure that their claims would not be time-barred by the applicable statute of limitations.

3. Plaintiffs have a good-faith basis for all claims stated in the instant action. However, as demonstrated by the inclusion of John Doe defendants, Plaintiffs are still making diligent efforts to determine the exact identity of all responsible parties.

4. While Plaintiffs have commenced the action, they wish to postpone service on the defendants for a reasonable period of time in order that Plaintiffs may have an opportunity to determine the exact identity of all responsible parties.

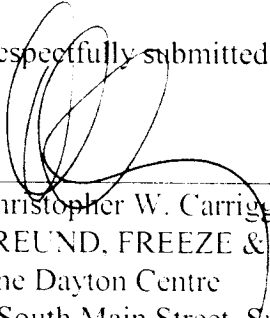
5. Pursuant to Ohio Rules of Civil Procedure 4(E), 4.3 and 4.5, a plaintiff is allowed at least six months to serve a defendant after commencement of a civil action:

If a service of the summons and complaint is not made upon a defendant within six months after the filing of the complaint and the party on whose behalf such service was required cannot show good cause why such service was not made within that period, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion. This division shall not apply to out-of-state service pursuant to Rule 4.3 or to service in a foreign country pursuant to Rule 4.5.

6. This Court should permit Plaintiffs the time prescribed by the Ohio Rules of Civil Procedure to serve their Complaint on the defendants.

WHEREFORE, Plaintiffs move this Court to enter an order allowing Plaintiffs until July 26, 2007 to serve their Complaint on the named defendants.

Respectfully submitted:



Christopher W. Carrigg (0023947)
FREUND, FREEZE & ARNOLD
One Dayton Centre
1 South Main Street, Suite 1800
Dayton, OH 45402-2017
(937) 222-2424
(937) 222-5369 (fax)
ccarrigg@ffalaw.com
Attorney for Plaintiffs

FILED
COMMON PLEAS COURT
07 JUN 25 PM 2:55
CLERK
SHELBY COUNTY, OHIO

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., <i>et al.</i>	:	CASE NO. 07-CV-000042
	:	JUDGE JAMES F. STEVENSON
Plaintiffs,	:	
v.	:	<u>MOTION TO DESIGNATE AN</u>
	:	<u>INDIVIDUAL TO SERVE PROCESS</u>
DELTA (SPRINGBOK) FRANCE, S.A.,	:	<u>AND COMPLAINT</u>
<i>et al.</i>	:	
Defendants.	:	

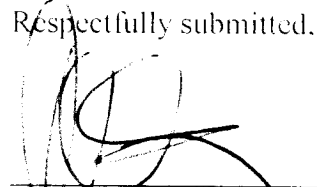
Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc., successor-in-interest to Norcold, Inc., formerly d/b/a Norcold (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned attorneys, hereby file this Motion to Designate an Individual to Serve Process and Complaint and state as follows:

1. On Friday, January 26, 2007, Plaintiffs filed the instant action in this Court seeking recovery from five named defendants and two John Doe defendants for damages stemming from a defect in valves manufactured by the defendants and/or their predecessor in interest
2. One of the defendants, Delta (Springbok) France, S.A., is located in Veigne, France

3. Plaintiffs have engaged Stephane Brudy, 14 Rue Galpin Thiou, BP 1657, 37000 Tours, France, to serve the Complaint and process on Delta (Springbok) France, S.A. pursuant to Ohio Civ. R. 4.3(B)(2), which permits personal service on out-of-state defendants.
4. Ohio Civ. R. 4.3(B)(2) requires that such service may be made by "any person not less than eighteen years of age who is not a party and who has been designated by order of the court."
5. Mr. Brudy is over eighteen years old

WHEREFORE, Plaintiffs move this Court to enter an order designating Stephane Brudy to personally serve on defendant Delta (Springbok) France, S.A. copies of the summons and Complaint in this action.

Respectfully submitted,



Christopher W. Carrigg (0023947)
Jamey T. Pregon (0075262)
FREUND, FREEZE & ARNOLD
Suite 1800 One Dayton Centre
1 South Main Street
Dayton, OH 45402-2017
Telephone: (937) 222-2424
Facsimile: (937) 222-5369
Email: ccarrigg@ffalaw.com
jpregon@ffalaw.com
Attorneys for Plaintiffs

Carrigg
Carrigg
6/28/07

FILED
COMMON PLEAS COURT
07 JUN 25 PM 3:00
KIMBERLY L. HARRIS
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., *et al.* : CASE NO. 07-CV-000042
Plaintiffs, : JUDGE JAMES F. STEVENSON
v. : PRAECIPE FOR SUMMONS
DELTA (SPRINGBOK) FRANCE, S.A., :
et al. :
Defendants. :

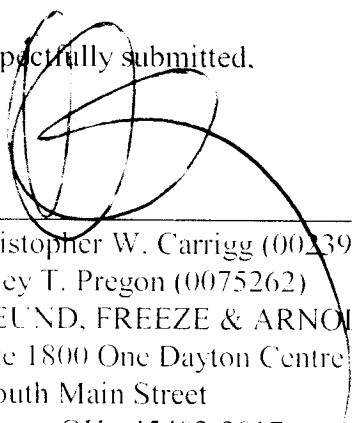
Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc., successor-in-interest to Norcold, Inc., formerly d/b/a Norcold (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned attorneys, hereby file this Praecipe for Summons and state as follows:

1. On Friday, January 26, 2007, Plaintiffs filed the instant action in this Court seeking recovery from five named defendants and two John Doe defendants for damages stemming from a defect in valves manufactured by the defendants and or their predecessor in interest.
2. On motion of Plaintiffs, the Court issued two separate orders permitting Plaintiffs to postpone service of process.

3. Plaintiffs now request that, in accordance with Ohio Civ. R. 4, the Clerk of Court issue a separate summons for service upon each defendant listed in the caption of the Complaint.
4. Plaintiffs have attached to this Praecipe sufficient copies of the Complaint that the Clerk of Court can attach a copy of the Complaint to each summons.

WHEREFORE, Plaintiffs hereby request that the Clerk of Court issue separate summonses for each defendant listed in the caption of the Complaint in this action.

Respectfully submitted,



Christopher W. Carrigg (0023947)
Jamey T. Pregon (0075262)
FREUND, FREEZE & ARNOLD
Suite 1800 One Dayton Centre
1 South Main Street
Dayton, OH 45402-2017
Telephone: (937) 222-2424
Facsimile: (937) 222-5369
Email: ccarrigg@ffalaw.com
jpregon@ffalaw.com
Attorneys for Plaintiffs

Court
Carrigg
6/28/07 ge



FRIEND, FREEZE & ARNOLD

ATTORNEYS AT LAW
200 E. COURT STREET
SIDNEY, OHIO 45365-0809
TEL: (513) 425-6320 FAX: (513) 425-6321
WWW.FFA-LAW.COM

Jamey T. Pregon, Esq.

(513) 425-6320 Direct Dial

(513) 425-7320 Direct Fax

E-mail: jpregon@ffalaw.com

Daxton Office

June 22, 2007

FILED
COMMON PLEAS COURT
07 JUN 25 PM 2:55
SHELBY COUNTY CLERK

Clerk of Courts
Shelby County Common Pleas Court
100 E. Court Street
P. O. Box 809
Sidney, OH 45365-0809

RE: *Alcoa Inc., et al. v. Delta (Springbok) France, S.A., et al.*
Case No. 07-CV-000042

Dear Clerk of Courts:

Enclosed, please find the original and two copies of *Motion to Designate an Individual to Serve Process and Complaint*, for filing in connection with the above-referenced case.

Also enclosed is a proposed *Order* for presentation to Judge Stevenson, together with a copy of the motion, for approval and filing. In addition, a *Praecipe for Summons*, with five copies of the Complaint, are enclosed for service. You may return time-stamped copies to the undersigned in the envelope enclosed for your convenience. Thank you.

Sincerely,

FRIEND, FREEZE & ARNOLD

A handwritten signature in dark ink, appearing to read "Jamey T. Pregon".

Jamey T. Pregon

JTP cjs

Enclosures

FILED
COMMON PLEAS COURT
07 JUN 26 AM 11:07
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., *et al.*

Plaintiffs

vs.

DELTA (SPRINGBOK) FRANCE, S.A.,
et al.


Defendants

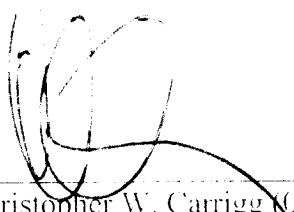
CASE NO. 07CV000042
(Judge Stevenson)

**ORDER GRANTING PLAINTIFFS'
MOTION TO DESIGNATE AN
INDIVIDUAL TO SERVE PROCESS
AND COMPLAINT**

Upon motion of plaintiffs, and for good cause demonstrated, the Court is of the opinion that Plaintiffs' Motion to Designate an Individual to Serve Process and Complaint should be granted.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to Designate an Individual to Serve Process and Complaint is SUSTAINED, and that the plaintiffs shall provide the Clerk of Courts instructions for service of the summons and complaint by no later than July 26, 2007.


JUDGE JAMES F. STEVENSON


Christopher W. Carrigg (0023947)
Jamey T. Pregon (0075262)
FREUND, FREEZE & ARNOLD
Suite 1800 One Dayton Centre
1 South Main Street
Dayton, OH 45402-2017
Telephone: (937) 222-2424
Facsimile: (937) 222-5369
Email: ccarrigg@ffalaw.com
jpregon@ffalaw.com

Attorneys for Plaintiffs

*can't
Carrigg I find 1 cert copy 3.00
6/28/07gc*

FREUND, FREEZE & ARNOLD
A Legal Professional Association

Doc 51

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)To: DELTA U.S. (SPRINGBOK), LLC FKA SOURDILLON LLC
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD GA 30736

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

7160 3901 9849 5632 7859

is as follows:

TO:

DELTA U.S. (SPRINGBOK), LLC
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD, GA 30736STOPHER W CARRIGG
-ND FREEZE & ARNOLD
JTH MAIN ST STE 1800
IE DAYTON CENTRE
DAYTON, OH 45402

SENDER:

ult will be taken against you for the relief demanded in the complaint.

REFERENCE:

07CV000042
7160 3901 9849 5632 785MICHELE K. MUMFORD
CLERK OF COURTS

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	7.5
	Certified Fee	2.65
	Return Receipt Fee	2.15
	Restricted Delivery	
	Total Postage & Fees	5.55

BY: Michele K. Mumford
DEPUTY CLERKUS Postal Service
Receipt for
Certified Mail

POSTMARK OR DATE

s 4 Ohio Rules of Civil)

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)

To: SOURDILLON AIR INDEX
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD GA 30736

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name of the

party is as follows:

7160 3901 9849 5632 7866

TO:

SOURDILLON AIR INDEX
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD, GA 30736

CHRISTOPHER W CARRIGG
AND FREEZE & ARNOLD
1014 JTH MAIN ST STE 1800
DAYTON CENTRE
DAYTON, OH 45402

Costs will be taken against you for the relief demanded in the complaint.

SENDER:

REFERENCE:

07CV000042
7160 3901 9849 5632 7866

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

75

265

215

555

POSTMARK OR DATE

MICHELE K. MUMFORD
CLERK OF COURTS

BY: *[Signature]*

DEPUTY CLERK

Ohio Rules of Civil

US Postal Service
Receipt for
Certified Mail

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)To: SOURDILLON INC.
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD GA 30736

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name and address of the Plaintiff(s) Attorney is as follows:

7160 3901 9849 5632 7873

TO:

SOURDILLON INC.
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD, GA 30736STEPHER W CARRIGG
AND FREEZE & ARNOLD
11TH MAIN ST STE 1800
E DAYTON CENTRE
DAYTON, OH 45402

ult will be taken against you for the relief demanded in the complaint.

SENDER:

MICHELE K. MUMFORD
CLERK OF COURTS

REFERENCE:

07CV000042
7160 3901 9849 5632 787BY: Dei K. Mumford
DEPUTY CLERK

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	75
	Certified Fee	3.45
	Return Receipt Fee	2.15
	Restricted Delivery	
	Total Postage & Fees	\$5.55

s 4 Ohio Rules of Civil)

Receipt for
Certified Mail

POSTMARK OR DATE

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRING BOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)To: BURNER SYSTEMS INTERNATIONAL
3600 CUMMINGS ROAD
CHATTANOOGA TN 37419

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name and address of the Plaintiff's attorney is as follows:

7160 3901 9849 5632 7880

CHRISTOPHER W CARRIGG
KEND FREEZE & ARNOLD
SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

TO:

BURNER SYSTEMS INTERNATIONAL
3600 CUMMINGS ROAD
CHATTANOOGA, TN 37419

2. Article Number



7160 3901 9849 5632 7880

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7-20-07

C. Signature

X *Laura Wheeler* ☐ Agent ☐ AddresseeD. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes ☒ No

lied demanded in the complaint.

MICHELE K. MUMFORD
CLERK OF COURTS*L. Mumford*

DEPUTY CLERK

7160 3901 9849 5632 788

BURNER SYSTEMS INTERNATIONAL
3600 CUMMINGS ROAD
CHATTANOOGA, TN 37419

07CV000042

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)To : JOHN DOE NO. 1
NO ADDRESS PROVIDED

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name and address of the Plaintiff(s) Attorney is as follows:

7160 3901 9849 5632 7897

CHRISTOPHER W CARRIGG
ND FREEZE & ARNOLD
JTH MAIN ST STE 1800
IE DAYTON CENTRE
DAYTON, OH 45402

TO:

JOHN DOE NO. 1
NO ADDRESS PROVIDEDS
Suit will be taken against you for the relief demanded in the complaint.

SENDER:

MICHELE K. MUMFORD
CLERK OF COURTS

REFERENCE:

07CV000042
7160 3901 9849 5632 789BY: Aeri L. L. L.
DEPUTY CLERK

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	75	as 4 Ohio Rules of Civil)
	Certified Fee	265	
	Return Receipt Fee	215	
	Restricted Delivery		
	Total Postage & Fees	555	

POSTMARK OR DATE

Receipt for
Certified Mail

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK RANGE S A FKA SOUT DILLON S A et al
Defendant(S)To: JOHN DOE NO. 2
NO ADDRESS PROVIDED

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.


You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name and address of the Plaintiff(s) Attorney is as follows:

7160 3901 9849 5632 7903

CHRISTOPHER W CARRIGG
UND FREEZE & ARNOLD
DUTH MAIN ST STE 1800
ONE DAYTON CENTRE
-DAYTON, OH 45402

TO:

JOHN DOE NO. 2
NO ADDRESS PROVIDED
 fault will be taken against you for the relief demanded in the complaint.
MICHELE K. MUMFORD
CLERK OF COURTS

SENDER:

REFERENCE:

07CV000042
7160 3901 9849 5632 790BY: 
DEPUTY CLERK

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	75
	Certified Fee	265
	Return Receipt Fee	215
	Restricted Delivery	
	Total Postage & Fees	555

es 4 Ohio Rules of Civil)

POSTMARK OR DATE

Receipt for
Certified Mail

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)

To : DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A
B.P. 10
37250 VEIGUE, FRANCE

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name and address of the Plaintiff(s) Attorney is as follows:

CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON, OH 45402

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

MICHELE K. MUMFORD
CLERK OF COURTS

June 28, 2007

BY: *Heri K. Harris*
DEPUTY CLERK

(Rules 4 Ohio Rules of Civil)

FAILNOTIC

CLERK OF THE COURT OF COMMON PLEAS

SHELBY COUNTY, SIDNEY, OHIO

NOTICE OF FAILURE OF DELIVERY

07CV000042 ALCOA INC et al vs. DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et

al

To: CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

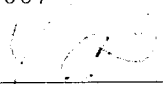
FAILURE OF DELIVERY OF ADDRESSEE: JOHN DOE NO 1 AND JOHN DOE NO 2

Certified Mail

Reason: INSUFFICIENT ADDRESS

MICHELE K. MUMFORD, CLERK OF COURTS

Date: July 6, 2007

By:  Deputy

REQUEST FOR SERVICE

To the Clerk: Please Re-Issue to the above named party by method noted below:

☐ CERTIFIED MAIL ☐ REGULAR U.S. MAIL ☐ SHERIFF SERVICE

Special Instructions: _____

Attorney Signature

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)

To : JOHN DOE NO. 1
NO ADDRESS PROVIDED

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

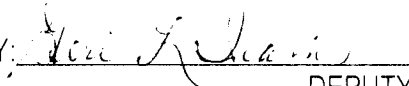
The name and address of the Plaintiff(s) Attorney is as follows:

CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON, OH 45402

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

MICHELE K. MUMFORD
CLERK OF COURTS

June 28, 2007

BY: 
DEPUTY CLERK

(Rules 4 Ohio Rules of Civil)

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al

Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al

Defendant(S)

To : JOHN DOE NO. 2
NO ADDRESS PROVIDED

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

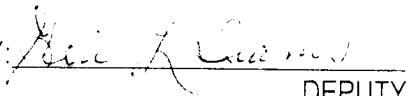
The name and address of the Plaintiff(s) Attorney is as follows:

CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON, OH 45402

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

MICHELE K. MUMFORD
CLERK OF COURTS

June 28, 2007

BY: 
DEPUTY CLERK

(Rules 4 Ohio Rules of Civil)

FAILNOTIC

CLERK OF THE COURT OF COMMON PLEAS

SHELBY COUNTY, SIDNEY, OHIO

NOTICE OF FAILURE OF DELIVERY

07CV000042 ALCOA INC et al vs. DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et

al

TO: CHRISTOPHER J. CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

FAILURE OF DELIVERY OF ADDRESSEE: SOURDILLON AIR INDEX

Certified Mail

Reason: Unclaimed

MICHELE K. MUMFORD, CLERK OF COURTS

Date: July 10, 2007

By: B. Dunlap Deputy

REQUEST FOR SERVICE

To the Clerk: Please Re-Issue to the above named party by method noted below:

() **CERTIFIED MAIL** () **REGULAR U.S. MAIL** () **SHERIFF SERVICE**

Special Instructions: _____

Attorney Signature

FAILNOTIC

CLERK OF THE COURT OF COMMON PLEAS

SHELBY COUNTY, SIDNEY, OHIO

NOTICE OF FAILURE OF DELIVERY

07CV000042 ALCOA INC et al vs. DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et

al

To CHRISTOPHER CARRIGG
FREUND FREUND & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

FAILURE OF DELIVERY OF ADDRESSEE: DELTA U.S. (SPRINGBOK) LLC

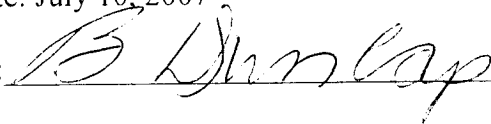
Certified Mail

Reason: Unclaimed

MICHELE K. MUMFORD, CLERK OF COURTS

Date: July 10, 2007

By:



Deputy

REQUEST FOR SERVICE

To the Clerk: Please Re-Issue to the above named party by method noted below:

☐ CERTIFIED MAIL ☐ REGULAR U.S. MAIL ☐ SHERIFF SERVICE

Special Instructions: _____

Attorney Signature

07 JUL 13 PM 1:18

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., *et al.* : CASE NO. 07-CV-000042
Plaintiffs, : JUDGE JAMES F. STEVENSON
v. : AMENDED
DELTA (SPRINGBOK) FRANCE, S.A., : MOTION TO DESIGNATE AN
et al. : INDIVIDUAL TO SERVE PROCESS
 : AND COMPLAINT
 :
Defendants.

Plaintiffs Alcoa Inc. and Alcoa Energy Services, Inc., successor-in-interest to Alcoa Refrigeration Systems, Inc. successor-in-interest to Norcold, Inc., formerly d/b/a Norcold (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned attorneys, hereby file this Amended Motion to Designate an Individual to Serve Process and Complaint and state as follows:

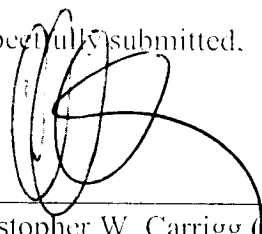
1. On Friday, January 26, 2007, Plaintiffs filed the instant action in this Court seeking recovery from five named defendants and two John Doe defendants for damages stemming from a defect in valves manufactured by the defendants and or their predecessor in interest.
2. One of the defendants, Delta (Springbok) France, S.A., is located in Veigne, France.
3. Plaintiffs have engaged Stephane Brudy, 14 Rue Galpin Thiou, BP 1657, 37000 Tours, France, to serve the Complaint and process on Delta (Springbok) France, S.A.

pursuant to Ohio Civ. R. 4.3(B)(2), which permits personal service on out-of-state defendants.

4. On information and belief, Delta (Springbok) France, S.A. is now known as Burner Systems International, which has also been named as a defendant in this action.
5. Ohio Civ. R. 4.3(B)(2) requires that such service may be made by "any person not less than eighteen years of age who is not a party and who has been designated by order of the court."
6. Mr. Brudy is over eighteen years old.

WHEREFORE, Plaintiffs move this Court to enter an order designating Stephane Brudy to personally serve on defendant Burner Systems International, successor-in-interest to Delta (Springbok) France, S.A., copies of the summons and Complaint in this action.

Respectfully submitted,



Christopher W. Carrigg (0023947)
Jamey T. Pregon (0075262)
FREUND, FREEZE & ARNOLD
Suite 1800 One Dayton Centre
1 South Main Street
Dayton, OH 45402-2017
Telephone: (937) 222-2424
Facsimile: (937) 222-5369
Email: ccarrigg@flalaw.com
jpregon@flalaw.com
Attorneys for Plaintiffs

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., *et al.*

Plaintiffs,

v.

DELTA (SPRINGBOK) FRANCE, S.A.,
et al.

Defendants.

: CASE NO. 07-CV-000042
: JUDGE JAMES F. STEVENSON

: PRAECIPE FOR SUMMONS

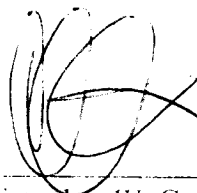
:

:

TO THE CLERK:

Please issue a summons on complaint (copy of complaint enclosed) on the following, and return to the undersigned for service by the individual previously designated:

Burner Systems International
8, Allee de la Robinetterie 37250
Veigne, France



Christopher W. Carrigg (0023947)
Jamey T. Pregon (0075262)
FREUND, FREEZE & ARNOLD
Suite 1800 One Dayton Centre
1 South Main Street
Dayton, OH 45402-2017
Telephone: (937) 222-2424
Facsimile: (937) 222-5369
Email: ccarrigg@flalaw.com
jpregon@flalaw.com
Attorneys for Plaintiffs

(Rules 4 Ohio Rules of Civil)

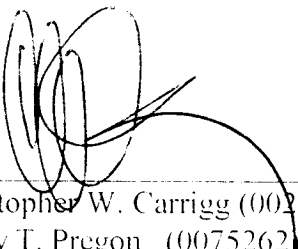
IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

ALCOA INC., *et al.* : CASE NO. 07CV000042
Plaintiffs : (Judge Stevenson)
vs. :
DELTA (SPRINGBOK) FRANCE, S.A., : **ORDER GRANTING PLAINTIFFS'**
et al. : **AMENDED MOTION TO DESIGNATE**
Defendants : **AN INDIVIDUAL TO SERVE**
 : **PROCESS AND COMPLAINT**
 :

Upon motion of plaintiffs, and for good cause demonstrated, the Court is of the opinion that Plaintiffs' Amended Motion to Designate an Individual to Serve Process and Complaint should be granted.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiffs' Amended Motion to Designate an Individual to Serve Process and Complaint is SUSTAINED, and that the plaintiffs shall provide the Clerk of Courts instructions for service of the summons and complaint by no later than July 26, 2007.

JUDGE JAMES F. STEVENSON


Christopher W. Carrigg (0023947)
Jamey T. Pregon (0075262)
FREUND, FREEZE & ARNOLD
Suite 1800 One Dayton Centre
1 South Main Street
Dayton, OH 45402-2017
Telephone: (937) 222-2424
Facsimile: (937) 222-5369
Email: ccarrigg@ffalaw.com
jpregon@ffalaw.com
Attorneys for Plaintiffs

FAILNOTIC

CLERK OF THE COURT OF COMMON PLEAS

SHELBY COUNTY, SIDNEY, OHIO

**FILED
COMMON PLEAS COURT**

NOTICE OF FAILURE OF DELIVERY **17 JUL 20 AM 10:23**

07CV000042 ALCOA INC et al vs. DELTA SPRINGBOK FRANCIS A. Sourdillon S A et

**MICHELE K. MUMFORD
SHELBY COUNTY CLERK**

al

To: CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

FAILURE OF DELIVERY OF ADDRESSEE: SOURDILLON AIR INDEX

Certified Mail

Reason: Unclaimed

MICHELE K. MUMFORD, CLERK OF COURTS

Date: July 10, 2007

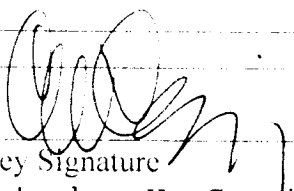
By:  Deputy

REQUEST FOR SERVICE

To the Clerk: Please Re-Issue to the above named party by method noted below:

☐ CERTIFIED MAIL ☒ REGULAR U.S. MAIL ☐ SHERIFF SERVICE

Special Instructions: _____


Attorney Signature
Christopher W. Carrigg
Attorney for Plaintiffs

CERTIFIED MAIL

Michelle K. Mumford
Shelby County Clerk of Courts
County Courthouse
PO Box 809
Spartanburg, SC 29303-0809



7160 3901 9849 5632 7866

RETURN RECEIPT REQUESTED

07CY0000042
7160 3901 9849 5632 7866
SOURDILLON AIR INDEX
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD, GA 30736

☐ A
☐ C
☐ S

- ☐ INSUFFICIENT ADDRESS
- ☐ ATTEMPTED NOT KNOWN
- ☐ NO SUCH NUMBER/STREET
- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ OTHER

RTS
RETURN TO SENDER

**FIRST NOTICE
FINAL NOTICE
RETURN**

Court of Appeals • Court of Common Pleas • Court of Domestic Relations
Court of Probate • District Court • District Court of Appeals

3073632872 R02

45965006

WINDOW

FAILNOTIC

CLERK OF THE COURT OF COMMON PLEAS

SHELBY COUNTY, SIDNEY, OHIO

NOTICE OF FAILURE OF DELIVERY

**FILED
COMMON PLEAS COURT**

07 JUL 20 AM 10:23

**MICHELE K. MUMFORD
SHELBY COUNTY CLERK**

07CV000042 ALCOA INC et al vs. DELTA SPRINGBOK FRANCIS L. S. A et

al

To: CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

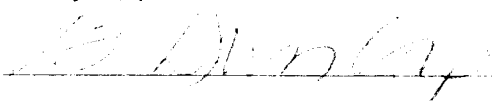
FAILURE OF DELIVERY OF ADDRESSEE: DELTA U.S. (SPRINGBOK) LLC

Certified Mail

Reason: Unclaimed

MICHELE K. MUMFORD, CLERK OF COURTS

Date: July 10, 2007

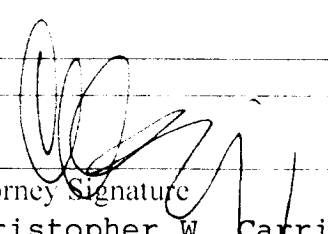
By:  Deputy

REQUEST FOR SERVICE

To the Clerk: Please Re-Issue to the above named party by method noted below:

() CERTIFIED MAIL (X) REGULAR U.S. MAIL () SHERIFF SERVICE

Special Instructions: _____


Attorney Signature
Christopher W. Carrigg
Attorney for Plaintiffs



Michele K. Mumford.

Shelby County Clerk of Courts

County Court House
P.O. Box 809
Savoy, OH 43085-0809

07 JUL - 6 - AM



7160 3901 9849 5632 7859

RETURN RECEIPT REQUESTED

07CV0000042

7160 3901 9849 5632 785

DELTA U.S. (SPRINGBOK), LLC

529 ROLLINS INDUSTRIAL BOULEVARD

RINGOLD, GA 30736

FIRST NOTICE
FINAL NOTICE
RETURN

☐ A
☐ C
☐ S

- ☐ INSUFFICIENT ADDRESS
- ☐ ATTEMPTED NOT KNOWN
- ☐ NO SUCH NUMBER/ STREET
- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ OTHER

RTS
RETURN TO SENDER

Court of Appeals • Court of Common Pleas • Court of Domestic Relations
Clerk of Court • Probate • Probate Hearing Justice

5-02142-22
1ARD

76 07/05/07

SUMMONS

The Court of Common Pleas, SHELBY County, Ohio

SUMMONS ON COMPLAINT

ALCOA INC et al
Plaintiff(S)

CASE NO. 07CV000042

vs.

DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al
Defendant(S)

To : SOURDILLON INC.
529 ROLLINS INDUSTRIAL BOULEVARD
RINGGOLD GA 30736

To the above named defendant:

You are hereby summoned that a complaint (a copy of which is attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are hereby required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff(s) Attorney.

The name and address of the Plaintiff(s) Attorney is as follows:

CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON, OH 45402

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

MICHELE K. MUMFORD
CLERK OF COURTS

June 28, 2007

BY: *Devi K. Harris*
DEPUTY CLERK

(Rules 4 Ohio Rules of Civil)

Handwritten notes and stamps in the bottom right corner, including a date stamp "JUL 1 2007" and some illegible handwritten text.

JUL-03-2007 02:51

PATTERSON PLANNING

212 599 5105

P.17

Michele K. Muniford =
Shelby County Clerk of Courts
County Courthouse
PO Box 809
Sidney, OH 45365-0809

CERTIFIED MAIL



7110 3711 2447 5132 7440

RETURN RECEIPT REQUESTED

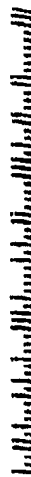
07CV000042
7160 3901 9849 5632 788
BURNER SYSTEMS INTERNATIONAL
3600 CUNNINGHAM ROAD
CHATTANOOGA, TN 37419

*To: Mark
From: Corrie
7.2.07*



Court of Appeals • Court of Common Pleas • Court of Domestic Relations
Title Department • Passports • Duplicate Hunting License

5741982319 R004



Michelle K. Mumford -

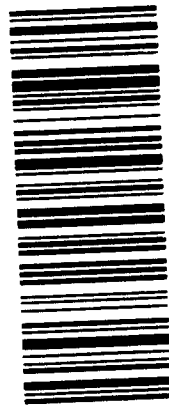
Shelby County Clerk of Courts

County Courthouse

P.O. Box 809

Sidney, OH 45305-0809

UNITED STATES



7160 3901 9849 5632 7873

RETURN RECEIPT REQUESTED

Not Deliverable as Addressed

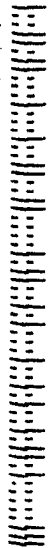
07CV000042
7160 3901 9849 5632 787
SOURDILION INC.
529 ROLLINS INDUSTRIAL BOULEVARD
RINGOLD, GA 30736

FILED
COUNTY CLERK
07 JUL 20 AM 10:12
MICHELLE K. MUMFORD
SHELBY COUNTY CLERK

UTF

Court of Appeals • Court of Common Pleas • Court of Criminal Appeals
Title Department • Probation • Probation Hearing Room

3073632872 R028



FAILNOTIC

CLERK OF THE COURT OF COMMON PLEAS

SHELBY COUNTY, SIDNEY, OHIO

NOTICE OF FAILURE OF DELIVERY

07CV000042 ALCOA INC et al vs. DELTA SPRINGBOK FRANCE S A FKA SOURDILLON S A et al

To: CHRISTOPHER W CARRIGG
FREUND FREEZE & ARNOLD
1 SOUTH MAIN ST STE 1800
ONE DAYTON CENTRE
DAYTON OH 45402

FAILURE OF DELIVERY OF ADDRESSEE: SOURDILLON INC

Certified Mail

Reason: UNDELIVERABLE AS ADDRESSED

MICHELE K. MUMFORD, CLERK OF COURTS

Date: July 24, 2007

By: Narcis D. Burkhamer
Deputy

=====

REQUEST FOR SERVICE

To the Clerk: Please Re-Issue to the above named party by method noted below:

() **CERTIFIED MAIL** () **REGULAR U.S. MAIL** () **SHERIFF SERVICE**

Special Instructions: _____

Attorney Signature

2.000000
mail
7/27/07